

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

TAMMY J. SMITH,

:

Case No. 3:08-cv-062

Plaintiff,

District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

-vs-

MICHAEL J. ASTRUE,  
COMMISSIONER OF  
SOCIAL SECURITY,

Defendant. :

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 12), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on January 5, 2009, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the Commissioner's decision that Plaintiff was not disabled and therefore not entitled to benefits under the Act be, and it hereby is, affirmed.

January 7, 2009.

**\*S/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge